

# House File 534 - Introduced

HOUSE FILE 534  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 176)

## A BILL FOR

1 An Act relating to identity theft, and providing a penalty.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 715A.8, Code 2013, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 2A. Notwithstanding subsection 2, a  
4 person of the applicable age indicated in this subsection who  
5 knowingly takes, purchases, manufactures, records, possesses,  
6 uses, or attempts to take, purchase, manufacture, record,  
7 possess, or use identification information of another person  
8 or entity for the following purposes may be considered to have  
9 violated the applicable statute or ordinance governing such  
10 purposes but shall not be considered to have committed any  
11 offense of identity theft under this section:  
12 a. Possession or purchase of alcohol by a person under the  
13 age of twenty-one.  
14 b. Entry by a person under the age of twenty-one onto the  
15 premises of an establishment where one may purchase alcoholic  
16 beverages as defined in section 123.3 for consumption on the  
17 premises and in which the serving of food is only incidental to  
18 the consumption of those beverages.  
19 c. Entry by a person under the age of seventeen onto the  
20 premises of a motion picture theater for the viewing of a  
21 motion picture which is prohibited to be viewed by persons  
22 under the age of seventeen.  
23 d. Possession or purchase of cigarettes or tobacco products  
24 by a person under the age of eighteen.  
25 e. Entry by a person under the age of twenty-one onto the  
26 premises of a racetrack, excursion boat, or gambling structure.  
27 f. Entry by a person under the age of eighteen onto  
28 the premises of a business establishment other than an  
29 establishment identified in paragraph "b", "c", or "e" where  
30 such entry is prohibited by persons under the age of eighteen.  
31 g. Obtaining employment in violation of chapter 92.

32 Sec. 2. Section 715A.8, subsection 3, Code 2013, is amended  
33 by striking the subsection and inserting in lieu thereof the  
34 following:

35 3. A person who violates this section commits a class "D"

1 felony.

2 EXPLANATION

3 This bill relates to the offense of identity theft.

4 The bill provides that persons of specified ages who  
5 knowingly take, purchase, manufacture, record, possess, or use  
6 identification information, or who attempt to do so, for a  
7 designated list of offenses may be considered to have violated  
8 the applicable statute or ordinance relating to that offense,  
9 but shall not be considered to have committed identify theft  
10 under Code section 715A.8. The offenses in general relate to  
11 underage possession of alcohol, underage entry onto premises  
12 where alcohol is served, underage entry onto the premises of  
13 a motion picture, underage possession or purchase of tobacco,  
14 underage entry onto the premises of a gambling establishment,  
15 underage entry onto the premises of any other business  
16 establishment with age restrictions attached, and obtaining  
17 employment in violation of child labor laws specified in Code  
18 chapter 92.

19 The bill additionally states that a violation of the  
20 identity theft provisions in Code section 715A.8 constitutes  
21 a class "D" felony. Currently, the Code section specifies  
22 that if the value of credit, property, or services for which  
23 identity theft was utilized exceeds \$1,000, the violation  
24 constitutes a class "D" felony, and if below that amount the  
25 violation constitutes an aggravated misdemeanor. A class "D"  
26 felony is punishable by confinement for no more than five years  
27 and a fine of at least \$750 but not more than \$7,500.